

**IL HIE Legal Task Force
General PHI Meeting
January 26, 2011
Meeting Notes**

Attended by Phone:

Robert Kane, Illinois State Medical Society
Tracey Salinski, Arnstein & Lehr
Valerie Montague, Ungaretti & Harris
Patricia King, Swedish Covenant Hospital
Monique Anawis, John Marshall Law School
Marcia Matthias

Office of Health Information Technology

Mark Chudzinski
David Kim

Patricia King opened the meeting at 10:30AM, hosted by OHIT at the State of Illinois J.R. Thompson Center in Downtown Chicago, and a telephone conference call-in number. It was noted that notice of the meeting and the agenda were posted on the OHIT website and at the Chicago meeting location no later than 48 hours prior to the meeting. Roll was taken, and the ability of those attending by telephone to hear and participate was confirmed.

Patricia King presented the minutes to be adopted. There was a motion to adopt the minutes. The motion was seconded. The minutes were adopted.

The group asked Mark Chudzinski to give a summary of the last Executive Workgroup Meeting. Mark gave a status. He stated that the groups gave an update on their progress. He stated that most of the workgroup have decided to modify the Behavioral Workgroup worksheet. To date nine out of ten workgroups are up and running. Mark also gave a notice of a meeting with the CTO of OHIT to give a presentation on the HIE infrastructure.

Patricia King then turned the group's attention to the General PHI statute tracking tool. She states that the first thing to work on is to adopt the Behavioral Workgroup's worksheet for the General PHI group. One member of the group asked why HIPAA is not among the statutes listed in the tracking tool. Patricia replied that HIPAA is an overarching consideration that all the workgroups are looking at. She then pointed out that there was a HIPAA pre-emption analysis that was done for Illinois. Patricia then asked if the group thought there was a HIPAA related issue that the workgroup should look at. One member of the group stated that business associated provision. The group thought HIPAA should be added to the tracking tool.

The next issue that the group looked at was breach notification. It was stated that HIPAA breach notification was different than Illinois. It was noted that Illinois just passed a new breach notification law. The group decided to examine the new Illinois breach notification law. The breach notification law was added to the tracking tool.

Patricia asked the group if there were any other issues or statutes that should be added to the tracking tool. The Illinois breach notification law was added. HIPAA related issues were added. One member suggested a "break the glass" exception rule. Another member suggested that the group look at IT issues where non-affiliated users access records for TPO related reasons.

The group then assigns different statutes and issued from the tracking tool to different members:

- Robert Kane volunteered to adapt the Behavioral Health Workgroup worksheet, work on Managed Care Reform and Patient Rights Act, and Medical Practice Act.
- Tracey Salinski and Monique Anawis volunteered to work on the Medical Patient Rights Act.
- Patricia King volunteered to work on the Hospital Licensing Act.
- Monique Anawis volunteered to work on the Medical Practice Act.
- Marsha Matthias volunteered to work on the Consent by Minors to Medical Procedure Act.

A roster will be circulated to the group.

A tentative meeting of February 9, 2011 was set.

There was no public comment offered in response to the Patricia King's invitation for public comment.

The Meeting adjourned at 11:00AM.